

REMARKS

Claims 95, 96, and 101-104 are currently pending. Claims 95, 101 and 102 have been amended.

In particular, claims 95 and 101 have been amended to remove nonelected subject matter.

Claims 95 and 101 have been further amended to specify that the portion comprises one of the peptides listed in Table 3 (pages 48-49), or an epitope-containing portion thereof, and has at least one epitope in common with SEQ ID NO:6.

Claim 102 has been amended, as suggested by the Examiner, to address the rejection raised under 35 U.S.C. §112, second paragraph.

The foregoing amendments should in no way be construed as an acquiescence to any of the Examiner's rejections, and have been made solely to expedite examination of the present application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s). No new matter has been added.

Rejection of Claim 102 Under 35 U.S.C. §112, Second Paragraph

Claim 102 is rejected as being indefinite in view of the phrase "at least approximately." To expedite prosecution, claim 102 has been amended, as suggested by the Examiner, to specify a PI and SI of "at least" a certain value. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Rejection of Claims 95, 96, and 101-104 Under 35 U.S.C. §102(a)

The rejection of claims 95, 96, and 101-104 under 35 U.S.C. §102(a) as being anticipated by Littler *et al.* as evidenced by Harlow & Lane Cold Spring Harbor Labs (1988) is maintained by the Examiner. This rejection is based on Littler *et al.*'s description of the MC protein which shares 100% sequence identity over seven (7) amino acids of SEQ ID NO:6 (residues 103-109). From this, the Examiner concludes that the peptides described in Littler *et al.* meet the structural and functional limitations of the claims and are administered to animals producing an immunogen specific response and, therefore, the teachings of Littler *et al.* inherently anticipate the claimed invention.

Applicants respectfully traverse this rejection and refer to the arguments contained in Applicants' responses dated June 18, 2004 and January 29, 2003, the substance of which is reiterated here. However, to expedite prosecution, the pending claims have been amended to

specify the inclusion of particular peptide sequences, *i.e.*, the peptides listed in Table 3 of the specification (see pages 48-49), or epitope-containing portions of the peptides listed in Table 3. These peptides are not taught or suggested by Littler *et al.* Accordingly, the rejection is now moot.

Rejection of Claims 95, 96, and 101-104 Under 35 U.S.C. §103

Claims 95, 96, and 101-104 are rejected under 35 U.S.C. §103 as being unpatentable over Littler *et al.*, as evidenced by Harlow & Lane Cold Spring Harbor Labs (1988). The Examiner reiterates that the “peptides meet the structural and functional limitations of an epitope and thus inherently provide the limitations of parent claim 101.” The Examiner further states that

[t]he USPTO has insufficient resources and facts to determine whether the respective indices are “inherently the same” or “obvious” because the Examiner cannot determine whether the exposure of the peptides is sufficient to meet the limitations . . . Since the record does not allow such determination, the burden shifts to Applicants to provide evidence that the prior art would neither anticipate nor render obvious the claimed invention.

Applicants respectfully traverse this rejection and refer to their arguments of record. However, as noted above, to expedite prosecution the claims have been amended to specify the inclusion of the particular peptide sequences listed in Table 3 of the specification (see pages 48-49), or epitope-containing portions of the peptides listed in Table 3. The primary reference, Littler *et al.*, fails to teach or suggest all of the limitations of the claimed invention since the overlapping residues between the MC protein and the claimed peptides are no longer claimed. The secondary reference, which fails to disclose any amino acid sequence information, does not cure the deficiencies of Littler *et al.* Accordingly, the claims are patentable in view of the cited references.

Rejection of Claim 104 Under 35 U.S.C. §103

Claim 104 is rejected under 35 U.S.C. §103 as being unpatentable over Littler *et al.* in view of Hirschmann *et al.* (U.S. Patent No. 3,846,399), as evidenced by Harlow & Lane Cold Spring Harbor Labs (1988). The Examiner admits that Littler *et al.* do not teach synthesis of the isolated polypeptide of claim 101 produced *via* chemical synthesis. However, the Examiner relies on Hirschmann *et al.* as teaching a process for controlled stepwise chemical synthesis of peptides. The Examiner concludes that “it would have been *prima facie* obvious to the person of

ordinary skill in the art at the time the invention was made to use the process of chemical synthesis taught by Hirschmann to produce the peptides of cat allergen.”

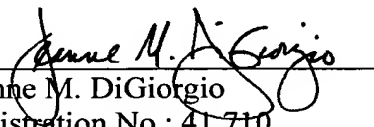
Applicants respectfully traverse this rejection. However, to expedite prosecution the claims have been amended to specify the inclusion of the peptide sequences listed in Table 3 of the present specification (see pages 48-49), or epitope-containing portions of the peptides listed in Table 3. Accordingly, the primary reference, Littler *et al.*, fails to teach or suggest all of the limitations of the claimed invention since the overlapping residues between the MC protein and the claimed peptides are no longer claimed. The secondary reference, Hirschmann *et al.* which fails to disclose any amino acid sequence information, does not cure the deficiencies of Littler *et al.* Accordingly, the claims are patentable in view of the cited references.

SUMMARY

In view of the amendments and remarks set forth above, it is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

Dated: February 8, 2005

Respectfully submitted,

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